

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:11-00029

JENNIFER BRICK

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On July 8, 2014, the United States of America appeared by Monica D. Coleman, Assistant United States Attorney, and the defendant, Jennifer Brick, appeared in person and by her counsel, Lex A. Coleman, Assistant Federal Public Defender, for a hearing on the petition on supervised release and amendment thereto submitted by United States Probation Officer Douglas W. Smith. The defendant commenced a thirty-two month term of supervised release in this action on September 26, 2013, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on July 12, 2013.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant used and possessed controlled substances as evidenced by a positive urine specimen submitted by her on April 11, 2014, for morphine, and her admission to the probation officer on April 25, 2014, that she had nasally ingested heroin approximately three weeks after she was released from SECOR on January 25, 2014; a positive urine specimen submitted by her on April 22, 2014, for morphine, and her admission to the probation officer on April 28, 2014, that she nasally ingested heroin on April 18, 2014; positive urine specimens submitted by her on April 30 and May 7, 2014, for morphine and codeine, and her admission to the probation officer on May 14, 2014, that she used heroin on April 26 and May 9, 2014; and on June 19, 2014, the defendant was unable to provide a urine specimen, but admitted to the probation officer that she would test positive for heroin inasmuch as she had previously used heroin; and (2) the defendant failed to appear for urine screens as directed on February 14, March 10, June 3, 10 and 12, 2014. In addition, the court notes that the defendant failed to complete the

Highland Hospital seven-day inpatient detoxification program as directed inasmuch as she entered the program on May 16, 2014, and left the program against medical advice on May 17, 2014; and the defendant failed to complete the twenty-eight day inpatient program at Pretera at Pinecrest as directed inasmuch as she completed the seven-day inpatient detoxification component, but failed to transition into the twenty-eight day program successfully in that she entered that portion of the program on May 30, 2014, but tested positive for opiates in violation of the program rules and was discharged from the program on June 2, 2014; all as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release and amendment thereto.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

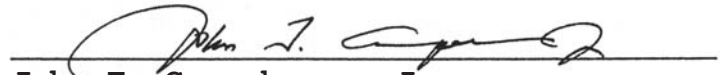
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and she hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of SIX (6) MONTHS, to be followed by a term of twenty-eight (28) months of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime and the special condition that she spend a period of six (6) months in a community confinement center, preferably Dismas Charities, and follow the rules and regulations of the facility and the directions of the probation officer, during which period the defendant shall engage herself in full-time employment, participate in an outpatient drug treatment and counseling program, and after-care program as directed by the probation officer. Once the defendant is released from Dismas Charities, she shall continue to participate in drug treatment and

counseling as directed by the probation officer. The defendant shall also make herself available for medical treatment respecting her addiction as directed by the probation officer.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: July 8, 2014


John T. Copenhaver, Jr.
United States District Judge